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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/920,978	08/01/2001	Shane J. Trapp	MI22-1674	6594

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EXAMINER

BLUM, DAVID S

ART UNIT	PAPER NUMBER
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2813

DATE MAILED: 09/25/2002

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Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/920,978

Applicant(s)

TRAPP, SHANE J. *SK*

Examiner

David S Blum

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 30 August 2002.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 7-10, 14-17, 19-21 and 46-64 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 7-10, 14-17, 19-21 and 46-64 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)                      4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)                      5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_                      6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 7-10, 14-17, 19-21, 46, 48-50, 51-53, and 55-64 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wolf in view of Ding (US 5,814,563) and JP 200-349071.

Wolf teaches all of the positive steps of claims 7-10, 14-17, 19-21, 46, 48-50, 51-53, and 55-64 except for the use of ammonia as the source of hydrogen and various and multiple fluorocarbons, hydrocarbons, chlorofluorocarbons and chlorohydrocarbons, the fluorocarbons consisting of one of C<sub>4</sub>F<sub>6</sub> and C<sub>5</sub>F<sub>8</sub> and the volumetric ratio of all fluorocarbons to ammonia being from 40:1 to 9:1.

Wolf (page 40 volume 2 teaches etching a trench in a semiconductor by etching through a patterned mask of pad oxide, nitride layer and photoresist, and into the silicon substrate. Wolf also teaches (pages 555-557 volume 1) anisotropic plasma etching through the mask and into the substrate using a dry etch of CF<sub>4</sub> gas and that the shape

of the trench (result of etch selectivity) can be altered by adjusting the fluorine-to-carbon ratio with hydrogen additions and altering the etch chemistry to make the etchant more selective toward the photoresist. Wolf teaches the chlorofluorine gas for etching nitride, silicon oxide, and silicon. Wolf (pages 52-54) teaches etching a trench in a bulk semiconductor using fluorocarbons, the mask openings to form a plurality of trench isolations.

Ding teaches etching silicon oxide using fluorohydrocarbon gasses in an etching chemistry containing ammonia ( $\text{NH}_3$ , a source of hydrogen, abstract) and in a magnetic field (magnetically enhanced plasma etching column 5 lines 13-15), the preferred volumetric ratio of fluorohydrocarbon to ammonia is 2.5: to 7:1 (column 2 line 57) which encompasses limitations of 40:1 to 3:1. Ding's figure 3 also shows that volumetric ratios of 10+:1 were also used, thus encompassing the limitations of "no less than 9:1. Ding also teaches using a combination of two fluorocarbons (column 9 line 65-column 10 line 4) and (plural, at least two, column 6 lines 7, "mixtures thereof" suggesting three,). Ding (column 5 lines 45-55) teaches that the etching chemistry comprises fluorocarbon gasses,  $\text{NH}_3$  generating gas (ammonia), a carbon-oxygen gas, and an optional inert gas, thus teaching a chemistry which is essentially fluorocarbon gasses and ammonia. Further, (column 9 lines 17-18) Ding teaches that the flow rate of carbon-oxygen is lower than that of the fluorocarbon, thus the combination of fluorocarbon and ammonia is greater than 50% of the mix, hence essentially fluorocarbon gasses and ammonia.

As Ding teaches volumetric ratios of 2.5 to 1 and graphs 10+:1 and suggests altering the ratio for different profile etches, and the instant application teaches ratios of 40:1 to 2:1, more preferably 40:1 to 3:1, and even more preferably 40:1 to 4:1, and further preferably no less than 6:1 and more preferably no less than 9:1 (all anticipated by Ding), the limitations in the claims are both anticipated by Ding and considered mere optimization. These ranges are considered to involve routine optimization while it has been held to be within the level of ordinary skill in the art. As noted in re Aller, the selection of reaction parameters such as temperature and concentration would have been obvious:

"Normally, it is to be expected that a change in temperature, or in concentration, or in both, would be an unpatentable modification. Under some circumstances, however, changes such as these may impart patentability to a process if the particular ranges claimed produce a new and unexpected result which is different in kind and not merely degree from the results of the prior art. Such ranges are termed "critical ranges and the applicant has the burden of proving such criticality.... More particularly, where the general conditions of a claim are disclosed in the prior art, it is not inventive to discover the optimum or workable ranges by routine experimentation."

In re Aller 105 USPQ233, 255 (CCPA 1955). See also In re Waite 77 USPQ 586 (CCPA 1948); In re Scherl 70 USPQ 204 (CCPA 1946); In re Irmischer 66 USPQ 314 (CCPA 1945); In re Norman 66 USPQ 308 (CCPA 1945); In re Swenson 56 USPQ 372 (CCPA 1942); In re Sola 25 USPQ 433 (CCPA 1935); In re Dreyfus 24 USPQ 52 (CCPA 1934).

One skilled in the requisite art at the time of the invention would have used any ranges or exact figures suitable to the method in the process of etching regarding rate flows and concentrations using prior knowledge, experimentation, and observation with the apparatus used in order to optimize the process and produce the etch profile structure desired to the parameters desired.

The instant application teaches that the gasses can be introduced into the chamber either simultaneously or successively. As there is no teaching as to unexpected results of one method to another, there is no criticality between the two. Ding does not teach whether the gasses are introduced simultaneously or successively, but it is obvious that the method chosen must be one of the two. The examples only teach that the gasses are present.

It has been held that "[v]arying the details of a process, as by adding a step or splitting one step into two does not avoid infringement, where the processes are substantially identical or equivalent in terms of function, manner, and result. *Universal Oil Products Co. v. Globe Oil and Refining Co.*, 322 U.S. 471, 61 USPQ 382 (1944); *Ace Patents Corporation v. Exhibit Supply Co.*, 119 F.2d 349, 48 USPQ 667 (7th Cir. 1941); *King-Seeley Thermos Co. v. Refrigerated Dispensers Inc.*, 354 F.2d 533, 148 USPQ 114 (10th Cir. 1965). Identity of the apparatus used for executing the processes is not material in itself. *National Lead Company v. Western Lead Products Co.*, 324 F.2d 539, 139 USPQ 324 (9th Cir. 1963)." Excerpt from *Matherson-Selig Co. v. Carl Gorr Color Card, Inc.*, 154 USPQ 265 (DC NIII 1967).

JP 2000-349071 teaches an apparatus for etching silicon nitride films using either CF<sub>4</sub>, CF<sub>4</sub> and C<sub>5</sub>F<sub>8</sub>, or C<sub>5</sub>F<sub>8</sub>, with a nitrogen source (commonly ammonia) and with or without CO<sub>2</sub> gas. The use of C<sub>5</sub>F<sub>8</sub> is preferred do to improved environmental results. One skilled in the requisite art at the time of the invention would modify Wolf by including multiple fluorocarbons in conjunction with ammonia as a hydrogen source and specifically C<sub>5</sub>F<sub>8</sub> as taught by JP 2000-349071 to reduce environmental concerns, with reasonable expectation of producing a trench with better control of the etch profile angle (Ding column 1 line 55, Wolf page 552).

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3. Claims 47 and 54 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wolf in view of Ding (US 5,814,563) and JP 200-349071 as applied to claims 16 and 20 above, and further in view of Lucent Technologies.

Wolf and Ding teach all of the positive steps of claims 47 and 54 as recited above except for the use of a 193-nanometer photoresist. Ding (priority date 1996) uses a photoresist and gives as an example, a Riston photoresist. The release by Lucent Technologies (4/1997) announce a 193 nanometer photoresist for use in smaller and smaller designs in microelectronics (paragraph 3). As the trend in semiconductors is to decrease device size and increase density, it is obvious that one skilled in the art would alter a process to encompass new, known equipment for decreasing device size and increasing device density.

One skilled in the requisite art at the time of the invention would modify Ding by using a newer photoresist developed by Lucent Technologies with reasonable expectation of producing a pattern on a semiconductor with smaller device dimensions.

### ***Response to Arguments***

4. Applicant's arguments with respect to claims 7-10, 14-17, and 19-21 have been considered but are moot in view of the new ground(s) of rejection.


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Any inquiry concerning this communication or earlier communications from the examiner should be directed to David S. Blum whose telephone number is (703)-306-9168 and e-mail address is [David.blum@USPTO.gov](mailto:David.blum@USPTO.gov) .

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Olik Chaudhuri, can be reached at (703)-306-2794. Our facsimile number for Before-Final Communications is (703)- 872-9318 and for After-Final Communications is (703)- 872-9319. The facsimile number for customer service is (703)-872-9317. Our receptionist's number is (703)-308-0956.

David S. Blum

September 17, 2002

  
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